



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

OCT 17 2016

Diane Bartz  
Reuters News  
1333 H Street, NW  
Washington, DC 20005

Re: FOIA-2016-00953  
Herbalife Representatives

Dear Ms. Bartz:

This is a final response to your request dated June 21, 2016, under the Freedom of Information Act seeking access to any and all records, including calendars, from December 1, 2012-June 21, 2016, pertaining to meetings between any and all Herbalife representatives and the following current and former FTC officials: 1. Edith Ramirez, 2. Maureen Ohlhausen, 3. Terrell McSweeney, 4. Julie Brill, 5. Joshua Wright, 6. Jon Leibowitz, 7. Jessica Rich. In accordance with the FOIA and agency policy, we have searched our records as of June 21, 2016, the date we received your request in our FOIA office.

We have located approximately 1,261 pages of additional responsive records and media files. I am granting partial access to the accessible records. Portions of these pages fall within the exemptions to the FOIA's disclosure requirements, as explained below.

Some responsive records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, Section 21(f) of the FTC Act provides that information obtained by the Commission in a law enforcement investigation, whether through compulsory process, or voluntarily in lieu of such process, is exempt from disclosure under the FOIA. 15 U.S.C. § 57b-2(f), *see Kathleen McDermott v. FTC*, 1981-1 Trade Cas. (CCH) ¶ 63964 (D.D.C. April 13, 1981).

Some responsive records constitute confidential commercial or financial information, which is exempt from disclosure under FOIA Exemption 4, 5 U.S.C. § 552(b)(4). See *Critical Mass Energy Project v. NRC*, 975 F.2d 871, 879 (D.C. Cir. 1992). Moreover, because Section 6(f) of the FTC Act, 15 U.S.C. § 46(f), prohibits public disclosure of this type of information, it is also exempt under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), which, as noted above, exempts from disclosure any information that is protected from disclosure under another federal statute.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5, 5 U.S.C. § 552(b)(5). See *NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975). Additionally, some records contain information prepared by an attorney in contemplation of litigation, which is

exempt under the attorney work-product privilege. *See Hickman v. Taylor*, 329 U.S. 495, 509-10 (1947).

I am also denying access to any private phone numbers found in the records. This information is exempt from release under FOIA Exemption 6, 5 U.S.C. § 552(b)(6), because individuals' right to privacy outweighs the general public's interest in seeing personal identifying information. *See The Lakin Law Firm v. FTC*, 352 F.3d 1122 (7th Cir. 2003).

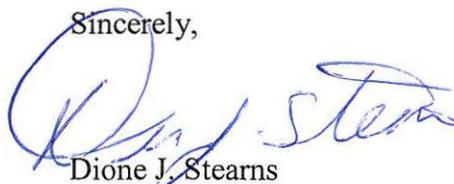
Please note that some portions of the records have been withheld as non-responsive because they are outside the scope of your request. Finally, additional records that may or may not be responsive to your request can be found on our frequently requested records page at [www.ftc.gov](http://www.ftc.gov).

If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response. If you believe that we should choose to disclose additional materials beyond what the FOIA requires, please explain why this would be in the public interest.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold, (202) 326-3355, [rgold@ftc.gov](mailto:rgold@ftc.gov) or from the Office of Government Information Services via email [ogis@nara.gov](mailto:ogis@nara.gov), via fax 202-741-5769, or via mail Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Katie Baker at 202-326-2869.

Sincerely,



Dione J. Stearns  
Assistant General Counsel

Enc. 1 CD- 79 pages, 3 media files